

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

Plaintiff,

No. C 10-03561 WHA

v.

GOOGLE INC.,

Defendant.

FINAL JURY SELECTION PLAN

Most (but not all) of counsel's proposals have been adopted in this revision, as follows:

1. Venire will be sworn and roll taken in the courtroom.
2. Case will be called and counsel will make appearances and introduce their tables.
3. Judge will welcome venire, give preliminary instructions, and excuse the sick.
4. Judge will read aloud an agreed-on statement of the case.
5. We will pass out a two-page questionnaire (appended hereto) and allow fifteen minutes to complete. The venire will hold onto their completed questionnaires.
6. Names will be called by clerk to fill in the jury box (plus two seats), a total of sixteen. As they are called forward, the venirepersons will show their questionnaire to the judge, and if they have answered "yes" as to strong opinions on questions 9(d) or 9(e), then they will be diverted to the end of the venire list (in same sequence as called) to be available later as potential jurors but will not, at least yet, be seated in the jury box.

7. Once sixteen are seated in the jury box, their sixteen questionnaires will be copied and given to counsel.

8. The sixteen will be questioned. Hardship issues will be first considered. The judge will conduct the initial voir dire but counsel shall each have forty minutes to examine, subject to enlargement for good cause.

9. As prospective jurors are excused for cause or hardship, the same diversion criteria as above will be used to pass those with strong opinions to the end of the list. Those seated will have their questionnaires handed to counsel.

10. When all sixteen are passed for cause (or all challenges for cause overruled), counsel shall exercise their peremptory challenges.

11. The remaining ten will be sworn and the rest of the venire excused.

* * *

The main point of this diversion procedure (in Paragraphs 6 and 9 above) is to save time by avoiding the repeated and likely futile exercise of one side or the other trying to rehabilitate “biased” venirepersons, at least until we run out of presumptively “unbiased” candidates. The judge expects to summon a large enough venire to avoid the need to examine any “biased” venireperson but we cannot be sure of the right number in advance. Neither side will know which way they are biased, only that they are biased. Remember to send up soon a joint one-page list of the names of all potential witnesses.

* * *

We will need almost all the gallery for the venire, so both sides shall please concentrate their troops on the front row on the judge’s right (for now, until selection is done).

Dated: April 21, 2016.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE